

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JAY SCOTT COHEN, an)	CIVIL 15-00171 LEK-BMK
individual,,)	
)	
Plaintiff,)	
)	
vs.)	
)	
HYATT CORPORATION, a Delaware)	
corporation; MARRIOTT RESORTS)	
HOSPITALITY CORPORATION, a)	
South Carolina corporation;)	
MARRIOTT INTERNATIONAL, INC.,)	
a Delaware Corporation;)	
NORDIC PCL CONSTRUCTION,)	
INC., a Hawaii Corporation;)	
and DOES 1 to 50,)	
)	
Defendants.)	
_____)	

**ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST
DEFENDANT NORDIC PCL CONSTRUCTION WITHOUT PREJUDICE**

On September 14, 2015, this Court issued an Order to Show Cause. [Dkt. no. 61.] The Order to Show Cause: 1) noted that there was no indication in the record that Plaintiff Jay Scott Cohen ("Plaintiff") served the complaint on Defendant Nordic PCL Construction ("PCL"); and 2) ordered Plaintiff to show cause why this Court should not dismiss his claims against Nordic pursuant to Fed. R. Civ. P. 4(m). Plaintiff's response to the Order to Show Cause was due by September 28, 2015.

On October 1, 2015, this Court received a letter dated September 24, 2015 from Plaintiff's counsel. [Dkt. no. 65.] The letter states that Plaintiff will not be serving the Complaint on

Nordic, and he will not be filing a response to the Order to Show Cause.

The Order to Show Cause gave Plaintiff notice that this Court was inclined to dismiss his claims against Nordic without prejudice for failure to serve. In light of Plaintiff's representations in the 9/29/15 Letter, this Court finds that Plaintiff has not shown good cause for his failure to serve Nordic within the 120-day period, and he does not object to the dismissal of Nordic from this case. This Court therefore DISMISSES Plaintiff's claims against Nordic WITHOUT PREJUDICE. See Fed. R. Civ. P. 4(m) ("If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant").

This Court DIRECTS the Clerk's Office to terminate Nordic PCL Construction as a party.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, October 6, 2015.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

JAY SCOTT COHEN VS. HYATT CORPORATION, ET AL; CIVIL 15-00171 LEK-BMK; ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST DEFENDANT NORDIC PCL CONSTRUCTION WITHOUT PREJUDICE